APPENDIX XLII-B.

(*See* paragraph 5 of the Preface.)

Travelling allowance rules applicable to High Officials.

SECTION I—MINISTERS.

N. B.—The general rules in Section XXV of Part VI of Chapter XII in Volume I and the relevant rules of the Headquarters Allowances Code in Appendix XVIII are applicable to Ministers also.

1. When a person is appointed Minister he is entitled to draw for his journey between the headquarters of Government and the headquarters of his constituency or his normal place of residence, provided it is within the province, travelling allowance, at his option, either as prescribed for a first grade officer under the ordinary rules governing a journey on transfer, or when travelling by railway on the following terms:—

(*a*) Any accommodation, which he is entitled under these rules to reserve by requisition after joining his post, will, if practicable, be placed at his disposal.

(*b*) The charge for haulage of the reserved accommodation will be paid by Government.

(*c*) He must pay to Government the fare, which he would have paid if no accommodation had been reserved, and must in addition pay in cash to the station master of the station from which the journey commences the fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

Note.—The alternatives mentioned in this rule are mutually exclusive. A person who elects to be governed by the conditions laid down in the above rule has no claim to any of the concessions admissible under Rule 490.

2. A Minister may, when travelling by railway on duty, reserve by requisition one first class compartment or a saloon, provided—

(*a*) that a saloon will not ordinarily be requisitioned unless the tour extends over more than one day (between sunrise and sunset), and

(*b*) that a six or eight-wheeled saloon will not ordinarily be requisitioned when a four-wheeled saloon is available and can be attached to the train by which he desires to travel.

In exceptional circumstances, either or both of these restrictions may be waived.

Note.—As to what constitute exceptional circumstances the certificate of the Minister concerned shall be accepted as final.

3. (*i*) A Minister, when travelling on duty by road, by steamer, or by rail when no special accommodation is reserved, may draw, at his option, either his actual travelling expenses or the travelling allowances admissible to an officer of the first grade. When claiming actual travelling expenses under this rule a certificate to the following effect should be appended to the travelling allowance Bill:—

"I certify that I have actually paid the amount of this Bill and that it does not include any charge for the freight of any stores of goods, other than my personal luggage, or any charge for refreshments, hotels, or travellers' bungalows."

Page 261, Appendix XLII-B, Section I—

I. *Number* the existing Note as *Note 1* and *insert* the following as *Note 2* below Rule 3 in this section :—

" *Note 2.*—A Minister may draw travelling allowance by the route actually taken irrespective of whether such route is the shortest or the cheapest or not ".

II. *Delete* Rule 5-A in Section I of this Appendix.

(G. R., P. & S. D., 1795/34, dated 24th May 1950 and G. M., 413/33/33297-C, dated 31st October 1950.)

[Correction No. 178, Financial Publication No. V, 3rd Edition (Reprint), Volume II, dated 28th February 1951.]

(*ii*) When travelling on duty by rail in a reserved compartment (but not when utilising a saloon) the Minister may draw one-half of one first class fare to cover his incidental expenses.

Note.—For the purposes of clause (*i*) of this rule, stores carried for consumption on tour may be treated as personal luggage.

4. A Minister may draw daily allowance at the rate of Rs. 10 for a halt on tour in addition to the privilege conferred by rule 3. For halts at Bombay, Poona or Mahableshwar this rate of daily allowance will be increased by 33⅓ per cent. Daily allowance will not be admissible for halts at the headquarters of Government.

Note.—A Minister travelling on duty outside the Province of Bombay may draw daily allowance at Rs. 10 or at a rate of 25 per cent. higher than the ordinary or special rate fixed for a high official of the status (or if there is no such rate, the ordinary or special rate fixed for an officer of the highest grade) by the Government within whose jurisdiction he is travelling, whichever may be greater, but subject in all cases to a maximum of Rs. 15.

5. A Minister when travelling, on tour may recover the cost of carrying a motor car under the conditions specified in Rule 462 : provided that Government are satisfied that the car has been employed, for all practical purposes, only as a means of performing in the public interest, a journey off the line of railway. In cases where the presence of his car has, apart from the advantages to Government of the particular tour or journey, saved him expense in hiring a conveyance or served his personal convenience to an appreciable extent, he must pay one-fifth of the cost of carriage.

5-A. When travelling on duty by a route other than the shortest or cheapest, a Minister may, for special reasons which should be recorded, draw travelling allowance calculated on the route actually taken, provided that the allowance calculated on such route does not exceed that calculated on the shortest or cheapest route by more than 50 per cent.

6. On retirement from office, a Minister is entitled to draw, for his journey between the headquarters of Government and the headquarters of his constituency or his normal place of residence, provided it is within the Province, travelling allowance, at his option, either as prescribed for a first grade officer under the ordinary rules governing a journey on transfer, or when travelling by railway, on the terms laid down in items (*a*) to (*c*) of Rule 1 in this section.

7. A Minister is his own controlling officer for purposes of travelling allowance.

Section II—President, Legislative Council and Speaker, Legislative Assembly.

N.B.—The general rules in Section XXV of Part VI of Chapter XII in Volume I of the Manual are applicable to the President and the Speaker also.

1. The President of the Legislative Council or the Speaker of the Ligislative Assembly may, when travelling on duty, draw travelling allowance at the rate admissible to a Government servant of the first grade. For journeys by railway he may reserve by requisition an ordinary first class compartment and recover in addition his actual travelling expenses up to a maximum of one first class fare. The rate of daily allowance admissible to the President of the Legislative Council or the Speaker of the Legislative Assembly is Rs. 12.

2. Notwithstanding anything contained in the foregoing rule, the President of the Legislative Council or the Speaker of the Legislative Assembly is entitled—

(*1*) Once in each session, to the haulage at Government expense of a motor car by rail at owner's risk from his usual place of residence to Bombay or Poona and back and a single third class fare each way for his chauffeur.

(2) In respect of—

(*i*) one journey from his usual place of residence to Poona before the commencement of the first session in Poona,

(*ii*) one journey form Poona to his usual place of residence after the end of the second session in Poons or, if there is only one session, after the end of that session,

(*iii*) one journey from his usual his place of residence to Bombay before the commencement of the Budget session, and

(*iv*) one journey from Bombay to his usual place of residence after the Budget session,

to the folloiwng concessions :—

(*a*) *when travelling by railway* :—

(*i*) a reserved first class compartment for himself,

(*ii*) lowest class accommodation for personal servants up to a maximum number of ten,

(*iii*) free carriage of all personal effects, which he vouches for as such whether carried in the luggage van of the train by which he travels or sent by any other train ;

(*b*) *when travelling by read or steamer*—

travelling allowance admissible to an officer of the first grade for a journey on transfer, or actual expenses, whichever is less, subject to the production of a certificate to the following effect :—

"I certify that the amount of this Bill does not exceed my actual expenses and that it is not more than the amount admissible to me on transfer."

In order to enable the Accountant General to verify the amount admissible on transfer, the certificate should specify the numner and relationship of the family members, and also the conveyances or horses, on account of which transport charges are admissible.

Note 1.—In lieu of the concessions admissible under (*a*), the President of the Legislative Council or the speakers of the Legislative Assembly may, at his option, avail himself of those admissible under (*b*).

Note 2.—In order to become eligible for these concessions it shall not be incumbent upon the President of the Legislative Council or the Speaker of the Legislative Assembly to perform the journeys immediately before the opening or immediately after the close of the meeting of the Legislative Council or the Legislative Assembly respectively.

Section III—Parliamentary Secretaries.

Parliamentary Secretaries to the Honourable Ministers should be paid travelling allowances as shown below :—

(*i*) Conveyance allowance	...	Rs. 100 per mensem.
(*ii*) Travelling allowance when they go on tour.		As for first class officers.

Page 263, Appendix XLII-B, Section III—

(*i*) *Substitute* the following *for Note 3* in this Section :—

Note 3.—Parliamentary Secretaries are authorised to sign ther own travelling allowance bills. Each travelling allowance bill, however, should be countersigned by the Honourable Minister to whom the Parliamentary Secretary is attached before it is forwarded for encashment. ''

(*ii*) *Insert* the following new notes in this section :—

"*Note 4.*—When, in the interests of the public service such as saving of public time, disposal of work *en route*, etc., a Parliamentary Secretary performs a journey by a route other than the shortest or cheapest, he is authorised to draw travelling allowance calculated on the route actually taken provided that the allowance calculated on such route does not exceed that calculated on the shortest or cheapest route by more than 50 per cent. In such cases, a parliamentary Secretary, should record on the face of the travelling allowance bill presented for payment the special reasons for travelling by a route other than the shortest or cheapest route.

"*Note 5.*—If a Parliamentary Secretary desires to claim full mileage allowance instead of the allowance contemplated in Note 4 above, he should obtain the orders of the Honourable Minister to whom he is attached and of the Honourable the Finance Minister before the bill is conntersigned. The Department of the Secretariat concerned should communicate separately these orders to the Accountant General, Bombay, through the Finance Department.

"*Note 6.*—The Parliamentary Secretary himself should pay the cost of hire of a Government Transport Service car whenever he hires a Government Transport Service car for journeys by road, and reimburse himself from the travelling allowance admissible to him.

"*Note 7.*—Parliamentary Secretaries may be given advances of travelling allowance under the applicable rules if such advances are asked for ".

(G.C.P., & S.D., 9842/34E, dated 23rd September 1948, G.M., 413/33/39895-C, dated 18th January 1949.)

[Correction No. 111, Financial Publication No. V, 3rd Edition (Reprint), Volume II, dated 20th January 1950.]

(*iii*) Travelling allowance when moving with Government between Bombay and Poona.	As for journeys on transfer of a first class officer or actual expenses whichever may be less.
(*iv*)-I Travelling allowance for journeys from their usual place of residence to the headquarters of Government to join their first appointment.	(*a*) *By rail.*—Actual cost of a fare for the class of accommodation availed of but not exceeding the cost of a second class fare for self and for wife and each child above the age at which a half fare is payable, if they accompany him. (*b*) *By steamer.*—Actual cost of a fare for the class of accommodation availed of for self and for wife and each child above the age at which a half fare is payable, if they accompany him. (*c*) *By road.*—One mileage allowance at the rates admissible to first grade Government servants. (*d*) Actual cost of carriage by goods train, steamer or other craft, of personal effects up to 20 maunds if travelling alone and 30 maunds if accompanied by family. *Note 1.*—A wife or a child of a Parliamentary Secretary who follows him within one month from the date of his appointment may be treated as accompanying him. *Note 2.*—If a Parliamentary Secretary travels by road between places connected by rail, he may be allowed to draw mileage allowance by road as in clause (*c*) above provided that the mileage allowance shall not exceed the cost of a single second class railway fare.
II Travelling allowance for journeys from the headquarters of Government to their usual place of residence after demitting office.	The same concessions as in clauses (*a*) to (*d*) above.

Note 1.—The conveyance allowance should be paid throughout the year, i.e., both in Bombay & Poona.

Note 2.—No headquarters allowances under the Headquarters Allowances Code (Appendix XVIII) will be admissible.

Note 3.—The bills for travelling allowance will require to be countersigned by the Honourable Minister to whom the Parliamentary Secretary is attached.

Note 3. Slip III.

Section IV—Members of Legislature.

N.B.—The rules in this section have been framed by Government in exercise of the powers conferred by the Bombay Legislature Members' Salaries and Allowances Act, 1937 (Bombay III of 1937).

1. *Short title and commencement.*—(*1*) These Rules may be called the Bombay Legislature Members' Salaries and Allowances Rules, 1938.

(*2*) They shall come into force with effect from 1st November 1937.

2. *Definitions.*—In these Rules, unless there be anything repugnant in the subject or context,—

(*a*) "Act" means the Bombay Legislature Members' Salaries and Allowances Act, 1937;

(*b*) "Committee" means a committee of a Chamber and includes a joint committee of the two Chambers;

(*c*) "Day" means a calendar day beginning and ending at mid-night;

(*d*) "Member" means a member of the Assembly or the Council, as the case may be, but does not include a Minister, the President, the Speaker or a Parliamentary Secretary;

(*e*) The words and expressions used in the Act and not defined in these Rules shall have the meanings assigned to them in the Act.

3. *When member not entitled to salary.*—A member who is absent, without permission of the Chamber, from all meetings of the Chamber for a period of sixty days or more computed in the manner provided in section 68 of the Government of India Act, 1935, shall not be entitled to any salary payable under section 3 (*a*) of the Act for the period of his absence.

4. *Travelling allowances.*—(*1*) A member who undertakes a journey for the purpose of attending the session of a Chamber or the meeting of a Committee shall be entitled to draw travelling allowance at the rates mentioned below for the journeys to and from the place where such session or meeting is held:—

(*a*) For journeys performed by railway at one and half second class fare and by steamer at one and half first class fare.

(*b*) For journeys performed by road, sea, river or canal in a steam launch or in any vessel other than a steamer, at the rate of five annas per mile:

Provided that if the member performs the journey by road in a hired conveyance, the actual cost incurred by him for hiring the conveyance, in whole or part, shall be drawn, subject to the maximum rate of five annas per mile.

(*2*) The allowance to be drawn under sub-rule (*1*) shall not exceed the amount of the allowance that would be admissible to a member for journey performed by the shortest route from or to the place where he ordinarily resides or carries on his business to or from the place where the session of a Chamber or the meeting of a Committee is held.

Explanation.—The shortest route shall be that by which a member can most speedily reach his destination by the ordinary modes of travelling, provided that if there are two or more such routes that which is the cheapest shall ordinarily be deemed to be the shortest route. In case of doubt in any case, the Provincial Government shall decide which shall be regarded as the shortest route and such decision shall be final.

No. 112

Page 264, Appendix XLII-B, Section IV—

Substitute the following for clause (*a*) of sub-rule (1) of Rule 4 in this Section :—

"(*a*) For journeys performed by railway at one and half fares of class I and by steamer at two first class fares or at one first class fare plus rupees twenty-five, whichever is less".

(G.L., B.L.D., 991, dated 22nd February 1949 and G.N., E.D., 10, dated 2nd January 1948.)

[Correction No. 112, Financial Publication No. V, 3rd Edition (Reprint), Volume II, dated 20th January 1950.]

(3) Save as provided in rules 7 and 8 a member may draw travelling allowance only for the journey undertaken by him when first proceeding to attend the session of a Chamber or the meeting of a Committee and for his return journey after the close of such session or meeting.

5. *Daily allowance.*—Subject to the provisions of rules 7 and 8 a daily allowance at the rate of Rs. 3 mentioned in section 3 (*b*) of the Act may be drawn only for—

(*a*) the days of actual residence, between the commencement of a session of a Chamber or a meeting of a Committee and the close of the session or meeting, at the place where such session or meeting is held, and

(*b*) the days previous to the commencement and the day subsequent to the closing of the session or meeting:

Provided that members coming from the district of North Kanara may draw daily allowance for the days previous and subsequent to the date of the session or meeting for which they may be required to stay at the place where the session or meeting is held, owing to the arrival or departure of the steamer a few days before or after the date of the session or meeting, as the case may be:

Provided further that daily allowance for any day shall not be claimed unless the member has resided at the place where the session or meeting is held for at least six hours on that day.

6. *Member not entitled to allowances if he fails to attend for perscribed period.*—Nowithstanding anything contained in rules 4 and 5, a member shall not be entitled to travelling allowance for a journey performed by him for the purpose of attending the meeting of a committee unless he attends the meeting for not less than one whole day, or to daily allowance for attending such meeting for any day on which he fails to attend the meeting for at least half the period of its duration on that day:

Provided that Government may sanction the grant of these allowances if failure to attend the meeting for the prescribed period is satisfactorily explained.

Explanation.—For the purposes of this rule, a member shall be deemed to have attended the meeting for one whole day if he attends any meeting for more than half the period of its duration on any day.

7. *Allowances when a session or a meeting is adjourned for ten days or more.*—If any session of a Chamber or a meeting of a committee is adjourned for ten days or more, a member shall, notwithstanding anything contained in rule 4 be also entitled to draw—

(*a*) if he leaves the place where the session or meeting is held during such period, travelling allowance at the rates admissible under rule 4 for the journey performed by him after the adjournment of the session or the meeting and also for the journey performed by him to attend the adjourned session or meeting;

(*b*) if he remains during such period at the place where the session or meeting is held, daily allowance at the rate mentioned in section 3 (*b*) of the Act but not exceeding the amount of travelling allowance that would be admissible to him under clause (*a*) of this rule, if he leaves such place during such period.

8. *Allowances in cases where a session or a meeting is adjourned for less than 10 days.*—If a session of a Chamber or a meeting of a committee is adjourned for less than ten days, a member shall be entitled to draw—

(*a*) If he remains during such period at the place where the session or meeting is held, daily allowance at the rate mentioned in section 3 (*b*) of the Act ;

(*b*) if he leaves such place during such period travelling allowance at the rates mentioned in rule 4 but not exceeding the amount of daily allowance that would be admissible to him under clause (*a*) of this rule, if he remains at such place during such period,

whichever is less.

9. *Allowance not to be drawn if it is already drawn in another capacity.*—motwithstanding anything contained in these rules, a member shall not draw travelling or daily allowance admissible under these rules if for the same journey or the same halt he has drawn travelling or daily allowance from the Government Treasury in another capacity.

10. (*1*) *Travelling allowance may be drawn in advance.*—Members may draw travelling allowance for their final return journey before the completion of such journey.

(*2*) *Daily allowance not to be paid in advance.*—A daily allowance shall not be paid in advance to any member.

11. *Audit of bills.*—(*1*) A bill claiming travelling or daily allowance or both shall be sent by the member concerned direct to the Accountant General, Bombay.

(2) Before the bill is submitted to the Accountant General, the member concerned shall give certificates in the following form on the bill :—

(*i*) " Certified that I resided at for the days for which daily allowance has been claimed, for the purpose of attending the $\frac{\text{session of the Council/Assembly.}}{\text{meetings of the Committee appointed by the Council/Assembly.}}$ "

and

(*ii*) " Certified that I have not already drawn travelling allowance for the same journey or daily allowance for the same halt made by me in another capacity."

(*3*) A member claiming travelling allowance for a journey performed by him for attending the meeting of a committee shall certify that he attended such meeting for at least one whole day.

(*4*) A member claiming daily allowance for any day for attending the meeting of a committee shall also certify that he attended such meeting for at least half the period of its duration on that day.

(*5*) If a member performs a journey by road in a hired conveyance, he shall certify on the bill that the allowance claimed by him for the journey by road does not exceed the actual cost incurred by him for hiring the conveyance.

(*6*) The Accountant General shall audit all such bills and then authorise payment from the treasury from which the member desire payment to be made.

12. *Secretary to Chamber to furnish information to Accountant General.*—The Secretary to the Chamber shall, after the close of every session of the Chamber or the meeting of a committee, furnish the Accountant General, Bombay, with full information regarding the number of days of attendance of each member and the duration of the session or meeting, as the case may be.

Page 267, Appendix XLII-C—

Substitute the following *for* this Appendix :—

" Rules regulating the Travelling allowances of High Court Judges :—

1. (1) These Rules may be called the High Court Judges (Part A States) Travelling Allowance Rules, 1950.

(2) They shall be deemed to have come into force on the 26th January 1950.

2. In these rules, unless the context otherwise requires, " Judge " means a Judge of the High Court for any of the States specified in Part A of the First Schedule to the Constitution and includes a Chief Justice, an acting Chief Justice, and a person requested under article 224 of the Constitution to sit and act as a judge, of such High Court.

3. (1) When a Judge travels on duty, he is entitled—

(*a*) when travelling by railway, to one reserved class I compartment and the fares at lowest class rates actually paid for servants not exceeding four in number ;

(*b*) when travelling by a steamer service, to one reserved first class cabin, if available, or to the fare actually paid for himself, and the fares at lowest class rates actually paid to the steamer-service for servants not exceeding four in number subject to usual deductions on account of messing charges ;

(*c*) when travelling by a public air transport service, to the fare paid for himself and, if actually paid, the cost of transporting up to two maunds of luggage by rail at passenger rates, or steamer and the railway or steamer fares of the lowest class for servants not exceeding four in number, and the expenditure actually incurred on the transport by road of servants or luggage up to a maximum of 8 annas per mile of that part of the journey by road for which no allowance is claimed under clause (*d*) of this sub-rule ;

Slip No. 179 Contd

(*d*) when travelling by road, to an allowance at the rate of Re. 1 per mile ;

Provided that no such allowance shall be payable in respect of that portion of a journey by road for which a public air transport service provides its own transport and the fare for which journey is included in the air fare paid under clause (*c*) for the air journey ;

(*e*) to a daily allowance at the rate of Rs. 15 for each day on which the Judge is engaged on inspection or other work outside his head-quarters ; and

(*f*) to the expenditure, if any, actually incurred on the transport by passenger train or steamer, at owner's risk of a motor car, and the fare at lowest class rate actually paid to a railway or steamer service in respect of one driver or cleaner for the car.

(2) If any person (other than servants) accompany a Judge in a compartment or cabin reserved for him under sub-rule (1), fares shall be payable by him on their account, and the fare so paid shall, if full tariff rates have been paid by Government for the reserved accommodation, be credited to Government.

(3) For the purposes of this rule, a Judge shall be deemed to be travelling on duty when, during a vacation of the High Court, he proceeds from any place in India where he was spending the vacation for the purpose of doing duty in the High Court and returns to such place after completion of such duty.

4. (1) When a Government servant, appointed to be a judge, travels by railway to join his post, he may, at his option and in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer applicable to him, travel in a reserved class I compartment.

(2) A Government servant availing himself of this concession must pay to Government the fare which he would have paid if no accommodation had been reserved and must, in addition, pay in cash to the Station Master of the Station from which the journey commences the fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

5. When a person not already in Government service, is appointed to be a Judge, he may, when travelling by railway to join his post, travel in a reserved class I compartment, subject to the conditions prescribed in sub-rule (2) of rule 4.

6. When a Judge—

(*a*) proceeds on, or returns from leave, or

(*b*) proceeds on, or returns from, vacation spent outside India, or

(*c*) retires from service, or

(*d*) proceeds to join another post after resigning office, he may when travelling in a railway, travel in a reserved class I compartment subject to the conditions prescribed in sub-rule (2) of rule 4.

Slip No. 179 Contd.

7. When a Judge is transferred from one High Court to another, or from or to the place of the principal seat of the High Court to or from a place where a Bench of the High Court is permanently located he is entitled to the expenditure actually incurred by him on his journey by railway or by steamer to the place of sitting of the other High Court for the transport of—

(*a*) The Judge himself, by a reserved class I compartment or a reserved first class cabin (if one is available) ;

(*b*) members of his family not travelling in the reserved compartment or cabin, by passenger train or steamer at first class rates ;

(*c*) personal servants, not exceeding eight in number by passenger train or steamer at lowest class rates ;

(*d*) one motor car, by passenger train or steamer at owner's risk ; and

(*e*) other personal effects, not exceeding the expenditure which would be incurred in the transport of 60 maunds of goods by road and by goods train or steamer, and the expenditure incurred in embarking and disembarking such personal effects.

Explanation.—For the purposes of clause (*b*) of this rule, members of a Judge's family include only his wife, his children and his step children, normally residing with and wholly dependant on him.

8. Where by reason of a change in the principal seat of the High Court a Judge changes his ordinary place of residence, he is entitled to the same allowances as on transfer from one High Court to another."

(G. E., H. D., 1663/6-A, dated 2nd June 1950).
(G. M., 17/33/35733, dated 23rd November 1950).

[Correction No. 179 , Financial Publication No. V, 3rd Edition (Reprint), Volume II, dated 28th February 1951.]